IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 11229 of 2004

Between:

Satish Lal S/o. Late Bindulal
R/o. D.No. 2-4-112, Aam Bazar, Yellandu (V&M), Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam.
2 The Revenue Divisional Officer, Kothagudem, Khammam District.
3 The Mandal Revenue Officer, Yellandu Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction prefebly writ of mandamus declaring the in action of the 1st respondent in not issuing No. Objection Certificate (NOC) for establishment of aretail outlet petrol and diesel bunk in the land of the petitioner Sy.No.609/1/34 situated at Yellandu (V&M) of Khammam District, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent No.1 to issue NOC in faour of the petitioner without any further delay.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR, ADVOCATE

Counsel for the Respondents : GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the Writ Petition itself is taken up for final disposal at the admission stage.

In this Writ Petition, the petitioner seeks to declare the action of the first respondent in not issuing No-Objection Certificate for establishment of petrol bunk in his land as arbitrary, illegal and violative of principles of natural justice and consequently to direct the first respondent to issue No-Objection Certificate.

The petitioner claims to be owner of Ac.0.13 gnts. of land, situated in Survey No.609/1/34 of Yellandu village, Khammam District. According to him, he entered into an agreement with the Indian Oil Corporation Limited to establish a retail out-let petrol and diesel bunk in the land in question. He along with Indian Oil Corporation people applied for No-Objection Certificate to the first respondent-District Collector. It is alleged that despite the Mandal Revenue Officer, Yellandu, Revenue Divisional Officer, Kothagudem, Commissioner, Yallandu Municipality, Police Department and Fire Department granting permission for establishment of the petrol bunk, the first

respondent, though six months time elapsed, has not issued No-objection Certificate. Assailing the impugned action of the first respondent, the present Writ Petition is filed.

Having regard to the facts and circumstances of the case and in view of the fact that the application submitted by the petitioner for issuance of Non-Objection Certificate is pending consideration before the first-respondent-District Collector, I deem it appropriate to direct the first respondent to consider the application of the petitioner for issuance of No-objection Certificate for establishment of petrol bunk and pass appropriate orders thereon expeditiously, in the light of the recommendations made by the Mandal Revenue Officer, Yellandu Mandal, Khamam District, Revenue Divisional Officer, Kothagudem, Commissioner, Yellandu Municipality, Police Department, and Fire Department.

With the above direction, the Writ Petition is disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Khammam.
2 The Revenue Divisional Officer, Kothagudem, Khammam District.
3 The Mandal Revenue Officer, Yellandu Mandal, Khammam District.

4 2CCs to GP for Revenue (OUT)

5 2CD copies